

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

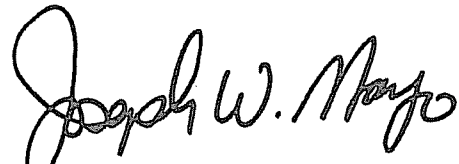
No. 1243

H.P. 919

House of Representatives, April 12, 1993

An Act Concerning Child Sexual Abuse Laws.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Representatives: CATHCART of Orono, HOLT of Bath, JACQUES of Waterville, MORRISON of Bangor, TRACY of Rome, VIGUE of Winslow, Senator: VOSE of Washington.

Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1. 17-A MRSA §8, sub-§1**, as amended by PL 1991, c. 585,
4 §1, is further amended to read:

6 1. It is a defense that prosecution was commenced after the
8 expiration of the applicable period of limitations provided in
10 this section; provided that a prosecution for murder or criminal
12 homicide in the first or 2nd degree, or, if the victim had not
14 attained the age of 16 18 years at the time of the crime, a
prosecution for incest, rape or gross sexual assault, formerly
denominated as gross sexual misconduct, may be commenced at any
time.

16 **Sec. 2. 17-A MRSA §8, sub-§2**, as amended by PL 1991, c. 585,
§2, is further amended to read:

18 2. Prosecutions for crimes other than murder or criminal
20 homicide in the first or 2nd degree, or, if the victim had not
22 attained the age of 16 18 years at the time of the crime,
prosecutions for incest, rape or gross sexual assault, formerly
denominated as gross sexual misconduct, are subject to the
following periods of limitations:

24 A. A prosecution for a Class A, Class B or Class C crime
26 must be commenced within 6 years after it is committed; and

28 B. A prosecution for a Class D or Class E crime must be
30 commenced within 3 years after it is committed.

32 **Sec. 3. 17-A MRSA §253, sub-§5**, as amended by PL 1991, c. 569,
is repealed and the following enacted in its place:

34 5. Violation of subsection 2, paragraph A, B, C or D when
36 the actor is in a position of authority or has responsibility for
the other person under subsection 2, paragraph E, F, G, H or I is
38 a Class A crime; otherwise, violation of subsection 2 is a Class
B crime.

40 **Sec. 4. 17-A MRSA §255, sub-§2**, as enacted by PL 1975, c. 499,
42 §1, is repealed and the following enacted in its place:

44 2. Unlawful sexual contact is a Class C crime, except that
a violation of subsection 1, paragraph A, B or D is a Class D
crime.

46 **Sec. 5. 17-A MRSA §1252, sub-§5-B** is enacted to read:

48 5-B. Notwithstanding any other provision of this Code, for
50 a person convicted of violating section 253 or 255 the minimum

2 sentence of imprisonment, which may not be suspended, must be as
4 follows: When the sentencing class is Class A, the minimum term
6 of imprisonment is 4 years; when the sentencing class is Class B,
8 the minimum term of imprisonment is 2 years; and when the
10 sentencing class is Class C, the minimum term of imprisonment is
12 one year.

8 **Sec. 6. 17-A MRSA §1322, sub-§3, ¶A,** as amended by PL 1989, c.
10 924, §13, is further amended to read:

12 A. "Allowable expense" means reasonable charges incurred
14 for reasonably needed products, services and accommodations,
16 including those for medical care, rehabilitation,
18 rehabilitative occupational training and other remedial
20 treatment and care, and nonmedical remedial care and
22 treatment rendered in accordance with a recognized religious
24 method of healing. Expenses for counseling services for
26 victims of crimes defined in chapter 11 are always
28 reasonably needed and qualify as allowable expenses. The
term includes reasonable and customary charges incurred for
expenses in any way related to funeral, cremation and
burial. It does not include that portion of a charge for a
room in a hospital, clinic, convalescent or nursing home, or
any other institution engaged in providing nursing care and
related services, in excess of a reasonable and customary
charge for semiprivate accommodations, unless other
accommodations are medically required.

30 **Sec. 7. 19 MRSA §214, sub-§5, ¶K-1,** as enacted by PL 1991, c.
32 164, §2, is amended to read:

34 K-1. The existence of a history of domestic abuse between
the parents; and

36 **Sec. 8. 19 MRSA §214, sub-§5, ¶K-2** is enacted to read:

38 K-2. The existence of any history of child abuse by a
parent; and

40 **Sec. 9. 34-A MRSA §5404, sub-§3, ¶B,** as amended by PL 1991, c.
42 845, §7, is further amended to read:

44 B. Supervise persons released from a correctional facility
46 under section 3035, if the chief administrative officer of
the facility requests the supervision and the director
48 agrees to the supervision and supervise persons transferred
to supervised community confinement under section 3036-A if
the commissioner directs; and

